

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL



DATE: April 9, 2010
TO: Mike Elabarger, Project Manager
Department of Planning
FROM: Brian Fish, Planner
**CASE NUMBER
& NAME:** SPMI 2009-0007 AGSI – Archer Property (Second Submission)
TAX MAP/MCPI: /18//17/////6/ 336-40-7208

This application is being processed as a Minor Special Exception pursuant to Table 2-102 of the Revised 1993 Loudoun County Zoning Ordinance, which lists *Small business* as a use that is permitted in the AR-1 zoning district either by-right or with an approved minor special exception, subject to the additional regulations contained in Section 5-614 of the Ordinance.

Section 5-614(C)(1) states that small business uses which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater. The subject lot is only approximately 5.6 acres in size; however, Section 5-614(D) states that small businesses not meeting the criteria of 5-614(C) may be allowed by special exception, subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions found in Section 5-614.

Section 5-614(E)(1)(b) states that parcels between 3 and 10 acres in size are permitted to have a maximum of three (3) employees. The applicant is requesting a modification of this Section, to allow up to six (6) employees on the premises.

All Zoning comments have been addressed. There are no further Zoning comments for this application.

Copy: Mark Stultz, Deputy Zoning Administrator

A-01

11. *Small Business Use.* All areas to be used for the Small Business use (offices, storage, etc.) should be clearly labeled on the plat.
12. The special exception plat must have a scale of 1 inch = 200 feet.
13. The special exception plat must be labeled with the owners' names and zoning of adjacent property.
14. The special exception plat must show the location and general description of vegetation and existing tree cover.
15. The special exception plat must show topography at contours of not more than five (5) feet.

Copy: Mark Stultz, Deputy Zoning Administrator

A-02

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION – FIRST REFERRAL

DATE: December 8, 2009
TO: Mike Elabarger, Project Manager
Department of Planning
FROM: Brian Fish, Planner
**CASE NUMBER
& NAME:** SPMI 2009-0007 AGSI – Archer Property
TAX MAP/MCPI: /18//17/////6/ 336-40-7208



A. APPLICATION SUMMARY

This referral is in response to the request for comments dated November 18, 2009 regarding a minor special exception request for a small business with up to six (6) employees on less than 10 acres in the AR-1 zoning district. The following documents submitted with the November 18, 2009 Memorandum from Project Manager Mike Elabarger were reviewed: Information Sheet, Statement of Justification dated August 20, 2009, Checklist Waiver letter dated November 13, 2009, Traffic Checklist dated August 4, 2009, and Special Exception Plat (undated).

The subject property consists of approximately 5.6 acres and is zoned AR-1 (Agricultural Rural - 1), administered under the Revised 1993 Loudoun County Zoning Ordinance. There is a small area of moderately steep slopes on the property. In accordance with Table 2-102 of the Zoning Ordinance "Small Business" is a use permitted by Minor Special Exception and is subject to the Additional Regulations of Section 5-614. A Small Business is defined as "*A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance*".

B. BACKGROUND

On March 25, 2009, Matthew and Jennifer Archer received zoning permit approval to operate a Home Occupation on the subject property [#Z90097530001]. The approved permit allows the operation of a home office for a government contractor, and permits one non-resident employee to be on-site. On May 6, 2009, a complaint was received by the County alleging that a small business was being operated on the subject property. Zoning Enforcement Staff met with the property owners, determined that the small business being operated on the property is not in conformance with the terms of the approved Home Occupation permit, and subsequently advised them that a Special Exception would be necessary to allow the business to continue operating on the property.

Pursuant to Section 5-614(D), small businesses may be located on lots of less than ten acres in the AR-1 Zoning District only with an approved Special Exception. Pursuant to Section 5-614(E)(1), small businesses located on properties between three and ten acres in size may have a maximum of three employees on-site. The Applicant is seeking approval of a Minor Special Exception to permit the operation of a small business on the subject property, and to allow up to a maximum of six (6) employees on-site.

A-03

C. SECTION 6-1310 - ISSUES FOR CONSIDERATION

1. (A) *Whether the proposed special exception is consistent with the Comprehensive Plan.* Zoning defers to Community Planning in the Department of Planning regarding this issue.
2. (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.* Zoning defers to Fire and Rescue regarding this issue.
3. (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.* The noise standards that apply to this use are contained in Section 5-652(B).
4. (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.* Section 5-652(A) contains the exterior lighting standards that apply to the proposed use.
5. (E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood and adjacent parcels.* Properties in the vicinity of the subject property are single family dwellings.
6. (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* As a condition of approval, the Board of Supervisors could require buffering to help mitigate any impacts of the small business use on adjacent parcels and to address any anticipated noise and/or lighting impacts.
7. (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* Zoning defers to the Office of Transportation Services regarding this issue.

D. SECTION 5-614 - ISSUES FOR CONSIDERATION

8. Section 5-614(F)(1) requires a sketch plan as part of a zoning permit application for permitted small businesses. However, Section 5-614(F)(2) states that special exceptions may contain a condition for a site plan in lieu of a sketch plan, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.

E. GENERAL COMMENTS

- ✓ 9. The number of required parking spaces for the small business will be equal to the number of permitted employees not residing on the premises, and should be identified during the Minor Special Exception process.

F. SPECIAL EXCEPTION PLAT COMMENTS

- ✓ 10. *Parking.* Proposed parking areas should be shown and clearly labeled on the special exception plat.

A-04

County of Loudoun
Department of Planning
MEMORANDUM

DATE: March 30, 2010

TO: Mike Elabarger, Project Manager, Land Use Review

FROM: Pat Giglio, Planner III, Community Planning

SUBJECT: SPMI 2009-0007 AGSI- Archer Property, 2nd Referral

BACKGROUND

The applicant, AGSI, LLC, is requesting a Minor Special Exception (SPMI) to allow the operation of a small business with up to six (6) employees from a private residence located within the Waterford View Estates subdivision southeast of the Town of Lovettsville. The 5.6 acre subject property is occupied by a 6,178 square foot single-family home and is surrounded by other similar sized single-family homes on lots ranging from three-to-six acres in size. The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance.

Staff has reviewed the most recent submittal dated March 16, 2010. Staff finds that the submitted materials adequately address and clarifies issues raised in the first referral regarding the number of employees and anticipated trip generation. However, the scale and intensity of the proposed use remains an outstanding issue.

OUTSTANDING ISSUES:

The policies of the Revised General Plan support the establishment of small businesses within the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. While tax records list the subject site as 5.6 acres, once road way and drainfield easements are subtracted, only about 2.4 acres remain immediately surrounding the existing house. The subject property is located in a large lot rural subdivision where the nearest adjoining homes are located 210' to the southwest and 248' to the southeast. The subdivision, comprised of 48 lots, was developed by-right in 2002 through the provisions of the A-3 zoning district. The primary use of the properties within the subdivision are residential. A search of County records indicates that there are three (3) properties beside the subject property with the subdivision that have "home occupations" (two interior decorators and a public relations firm). Home Occupations are defined by the Zoning Ordinance as a "business, profession, occupation or trade conducted for gain or support within a residential building or its accessory building" which is incidental and subordinate to the use of the dwelling for residential purposes. The standards of the Zoning Ordinance limit the number of employees for Home Occupations to "one full time equivalent" other than members of the family residing on the premises. (Revised 1993

A-05

Zoning Ordinance, Section 5-400). The owners of the subject property currently have a Home Occupation and are requesting a Minor Special Exception for the operation of a small business with up to six (6) employees on the property.

The policies of the Revised General Plan support the establishment of "small businesses" in the Rural Policy Area, which are compatible in scale, use and intensity with the surrounding land uses and meet applicable performance standards (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6 and Rural Economy Policies, Policy 3). The Plan anticipates that as small home-based businesses located in the Rural Policy increase in size and number of employees they will relocate to other properties within one of the existing towns and villages where the presence of adequate public facilities (water and wastewater), zoning, transportation (roadways and parking) and land resources exist to support non-residential activities (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 14 and Chapter 10, Existing Villages, Policy 2). Staff finds the proposed scale and intensity of use associated with the proposed operation of a "small business" with up to six (6) employees on the subject property is not compatible with the surrounding residential uses and rural residential character of the existing subdivision. Given the location of the property, the number of employees and vehicular trip generation (employees and deliveries) associated with the proposed "small business" use on the subject property; the proposed business use may be more appropriately located within the towns or villages where the use would be compatible with the dominant land-use pattern. Staff is unable to support the proposed Minor Special Exception request to allow the use of the subject property for a small business with up to six (6) employees.

Staff finds the proposed scale and intensity of use associated with the proposed operation of a "small business" with up to six (6) employees on the subject property is not in conformance with the policies of the Revised General Plan which calls for uses to be compatible with the surrounding dominant land-use pattern, which in this case is residential uses within an existing rural residential subdivision. Staff is unable to support the proposed Minor Special Exception request as proposed.

RECOMMENDATIONS

The policies of the Plan support the establishment of small businesses within the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. The Plan recommends that rural business uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages. Staff finds the proposed scale and intensity of use associated with the proposed operation of a "small business" with up to six (6) employees on the subject property is not compatible with the surrounding residential uses and rural residential character of the existing subdivision. Staff is unable to support the proposed Minor Special Exception request.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning-via email

County of Loudoun
Department of Planning
MEMORANDUM

DATE: December 7, 2009
TO: Mike Elabarger, Project Manager, Land Use Review
FROM: ^{pl}Pat Giglio, Planner III, Community Planning
SUBJECT: **SPMI 2009-0007 AGSI- Archer Property**



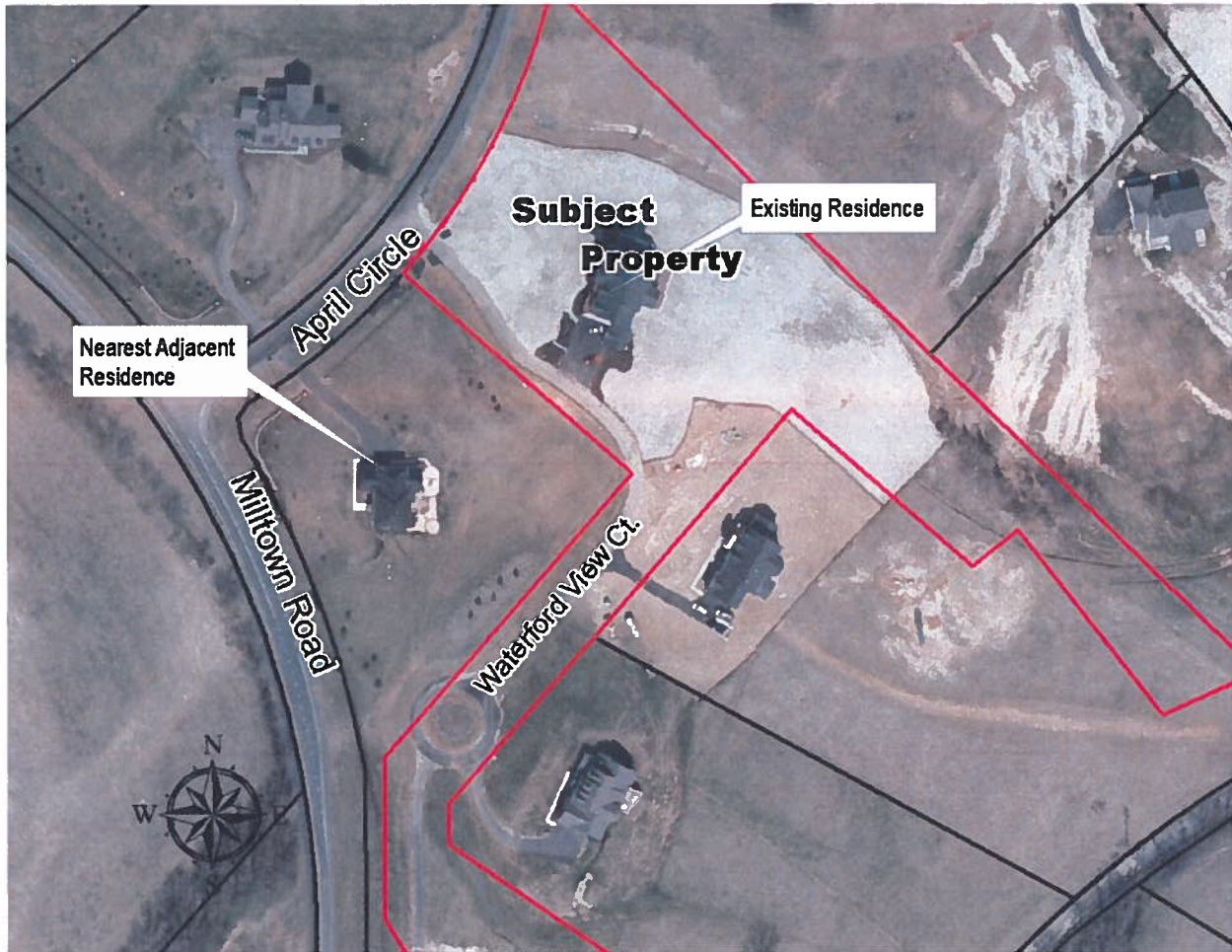
EXECUTIVE SUMMARY

The applicant, AGSI, LLC, is requesting a Minor Special Exception (SPMI) to allow the operation of a small business with up to six (6) employees from a private residence located within the Waterford View Estates subdivision southeast of the Town of Lovettsville. The 5.6 acre subject property is occupied by a 6,178 square foot single-family home and is surrounded by other similar sized single-family homes on lots ranging from three-to-six acres in size. The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The applicant currently has an active "home occupation" permit for the operation of a government contracting business with up to one employee from the home. The policies of the Revised General Plan support the establishment of small businesses with the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. Staff finds the proposed use of the subject property and home for a "small business" may not be compatible with the residential character or primary residential uses of the surrounding properties within the existing subdivision. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages.

BACKGROUND

The applicant, AGSI, LLC, is requesting a Minor Special Exception (SPMI) to allow the operation of a small business with up to six (6) employees from the applicant's home east of the Town of Lovettsville. The subject property, comprised of approximately 5.6 acres, is located within the Waterford View Estates subdivision at 13276 April Circle. The subject property is occupied by a 6,178 square foot single-family home with less than 1,000 square feet being utilized for the operation of the proposed small business. The subject property is accessed by a paved driveway from a paved private access easement also located on the subject property which serves three other homes. The subject property is surrounded by other similar sized single-family homes on lots ranging from three-to-six acres in size within the subdivision. The nearest adjoining homes are located 210' to the southwest and 248' to the southeast of the subject home.

A-07



The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The applicant has an active “home occupation” permit for the operation of a government contracting business with up to one employee from the home. The applicant is requesting a Minor Special Exception to permit the operation of a “small business” with up to six (6) employees from the home. The use of the subject property for the proposed small business will utilize a portion of the existing single-family home and will require no land disturbance or impact on any aspects of the Green Infrastructure as outlined in the Revised General Plan.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development at a density of 1 dwelling unit per 20 acres (Revised General Plan, Chapter 7, *Rural Residential Policies*, Policy 3). The Rural Residential, Rural Economy and Rural Land Use and Design policies of the Revised General Plan were used to evaluate the application.

A-08

ANALYSIS

LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Revised General Plan support the establishment of business uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan identifies a variety of traditional and non-traditional rural business uses, which include crop and cattle production, the equine industry, animal husbandry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses (welding, agricultural equipment sales, rental, and repair, veterinary services, product storage and supply) hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), private camps and parks, **small businesses** [emphasis added], rural corporate retreats, small corporate office and training facilities, private conference centers, etc. which are appropriate in the Rural Policy Area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policies 5 & 6; Rural Economy Policies, Policy 8). The sustainability of all these rural business uses are dependent on the protection and preservation of the rural land base for its agricultural potential, scenic quality and rural character to support and enhance the rural economy.

The applicant is requesting a Minor Special Exception to permit the operation of a "small business" with up to six (6) employees from their 6,178 square foot single-family home located within Waterford View Estates subdivision. Less than 1,000 square feet of the home will be utilized for the operation of the proposed small business and the applicant has stated that all employees will park their personal vehicles in the homes garage. The Zoning Ordinance permits the by-right use of the subject property and single-family home as "home occupation" with up to one employee. However, the Zoning Ordinance requires that all properties that are less than 10 acres proposing a "small business" use be reviewed through a Minor Special Exception application. The Zoning Ordinance calculates the number of employees permitted for the operation of a "small business" based on the acreage of a property, the following table is an excerpt from the zoning ordinance.

Standards and Restrictions for Small Business Uses (Section 5-614e)

Acreage	No. Employees	Acreage	No. Employees
0-3 acres	1 maximum	10 but <50 acres	4 maximum
3 but <10 acres	3 maximum	50 acres or greater	10 maximum

The Zoning Ordinance through the Minor Special Exception process would permit up to three employees for the operation of a "small business" on the approximately 5.6 acre subject property. The applicant is requesting twice the number of employees specified by the Zoning Ordinance. Per the Zoning Ordinance the applicant would be required to have a minimum of 50 acres for the by-right operation of a "small business" with 6 employees, as currently purposed in this Minor Special Exception application.

A-09

The Rural Policies of the Revised General Plan, unlike the Zoning Ordinance, does not provide specific requirements for rural business uses, but instead states that rural business uses should meet “established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare” (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The subject property is located in a rural subdivision where the primary use is residential. Given this, the number of employees and additional vehicular trip generation (employees and deliveries) associated with the proposed “small business” use on the subject property may not be compatible with the rural residential character or primary residential use of the surrounding properties. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages, where the presence of adequate public facilities (water and wastewater), zoning, transportation and land resources exist to support non-residential activities (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 14 and Chapter 10, Existing Villages, Policy 2). While Plan policies support the establishment of “small businesses” in the Rural Policy Area, they must also be compatible in scale, use and intensity with the surrounding land uses.

Staff finds that the proposed use of the subject property for a “small business” is consistent with the type of land uses anticipated within the Rural Policy Area, however, additional consideration of the scale and intensity of the proposed use is required. Specifically, the number of employees and additional vehicular trip generation associated with the proposed “small business” use may not be compatible with the residential character or primary residential uses of the surrounding properties at the proposed scale and intensity, within the existing subdivision. The Plan recommends that these types of locate within the towns and villages within the Rural Policy Area.

RECOMMENDATIONS

The policies of the Plan support the establishment of small businesses with the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. Staff finds the proposed use of the 5.6 acre subject property and home for a “small business” may not be compatible with the residential character or primary residential uses of the surrounding properties within the existing subdivision. The Plan recommends that commercial uses that are not compatible with the dominant land-use pattern locate within the existing towns and villages. Staff is unable to support the proposed Minor Special Exception request to allow the use of the subject property for a small business with up to six (6) employees.

Staff would be happy to meet with the applicant to discuss issues raised above.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning-via email

A-10

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: April 7, 2010
TO: Mike Elabarger, Project Manager
Department of Planning
FROM: Marc Lewis-DeGrace, Transportation Planner
SUBJECT: SPMI 2009-0007 — AGSI – Archer Property
Second Referral



Background

This referral updates the status of issues identified in the first Office of Transportation Services (OTS) referral on this application (dated December 18, 2009). This Minor Special Exception (SPMI) application proposes up to six (6) employees* on less than 10 acres in the Agricultural Rural -1 (AR-1) zoning district. The subject site is a 5.6-acre tract within the Waterford View Estates subdivision on the east side of Milltown Road (Route 673). The site is accessed via a private shared driveway from April Circle.

This update is based on review of materials received from the Department of Planning on March 25, 2010, namely (1) a letter responding to first referral comments, dated March 16, 2010, (2) an updated Statement of Justification revised through March 16, 2010, (3) a vicinity map with adjacent property information, (4) a special exception plat dated March 2, 2010, and (5) exhibits depicting the parking and office conditions for employees all prepared by the Applicant.

Status of Transportation Issues/Comments

Staff comments from the first OTS referral as well as the Applicant's responses (quoted directly from its March 16, 2010 response letter) and current issue status, are provided below.

1. Initial Staff Comment (1st Referral): The Applicant should confirm the maximum number of employees (other than individuals who reside at the residence) that are proposed to work on-site.

Applicant's Response (March 16, 2010): The Applicant and Property/Business owner resides at the Property with his wife and small child. Proposed are up to five (5) non-resident employees who would come to the Property Monday through Friday for an average of eight (8) hours per day, to work for the Applicant's information technology company in an office work space in the basement of the residence totaling no more than 1,000 square feet.

* Documents received from the Department of Planning on March 25, 2010 state this Application is "...to allow a small business with up to (6) six employees on less than 10 acres..." Documents received from the Applicant dated March 16, 2010 propose "up to five (5) non-resident employees..." In its review of this Application, OTS assumed a maximum of five (5) non-resident employees.

Issue Status: Based on the Applicant's responses that only five (5) non-resident employees are now proposed, and that two (2) of the these five (5) will carpool to the site on a daily basis (as indicated in the Applicant's March 16, 2010 response to Zoning Administration comments), OTS estimates that a total of 26 vehicle trips will result on a daily basis (i.e., 16 vehicle trips from four (4) non-resident employee vehicles (small business use) plus 10 vehicle trips related to the residential use). Should the carpooling not occur, a total of 30 daily vehicle trips would result (i.e., 20 vehicle trips from five (5) non-resident employee vehicles plus 10 residential trips). Both of these scenarios are indicated in the table below.

Archer Property – Trip Generation Scenarios

	Persons	Total Daily Trips**
Single Family Detached Residence	2 owners ***	10
Existing Home Occupation Use	2 owners + 1 employee	14
Proposed Small Business Use (SPMI) with Carpooling	2 owners + 5 employees (with 2 employees carpooling)	26
Proposed Small Business Use (SPMI) without Carpooling	2 owners + 5 employees	30

** Assumes 10 trips per day generated by the household (VDOT rate), and four (4) trips generated for each non-resident employee. Figures do not include any trips from delivery vehicles.

*** Two (2) owners listed based on the Applicant's submitted materials.

In either case, the additional trips generated by the minor special exception use do not necessitate any roadway improvements or physical mitigation measures to the public road network. OTS considers this issue to be resolved, pending inclusion of a condition of approval limiting the small business use to no more than five (5) non-resident employees. However, OTS defers to the Department of Planning as to the appropriateness/practicality of an additional condition of approval requiring at least two (2) non-resident employees to carpool to the site each business day.

2. Initial Staff Comment (1st Referral): The Applicant should confirm whether either of the two (2) part-time off-site employees referenced in the Statement of Justification will travel to the residence at anytime for employment purposes.

Applicant's Response (March 16, 2010): There are no longer "part-time off-site" employees being proposed. See answer above for the number of proposed employees.

Issue Status: Issue resolved.

Conclusion

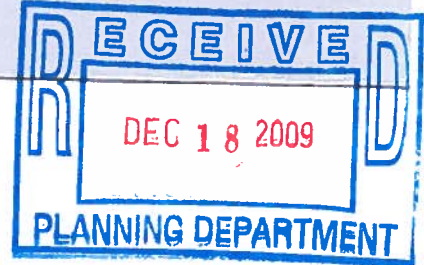
Subject to the inclusion of a condition of approval limiting the proposed small business use to a maximum of five (5) non-resident employees, OTS would have no objection to the approval of this application.

cc: Andrew Beacher, Assistant Director, OTS
Lou Mosurak, Senior Coordinator, OTS

A-12

County of Loudoun
Office of Transportation Services

MEMORANDUM



DATE: December 18, 2009
TO: Mike Elabarger, Project Manager
Department of Planning
FROM: Marc Lewis-DeGrace, Transportation Planner
SUBJECT: SPMI 2009-0007 — AGSI – Archer Property
First Referral

MLDG

Background

This Minor Special Exception (SPMI) application is seeking approval to allow a small business with up to (6) six employees on less than 10 acres in the Agricultural Rural—1 (AR-2) zoning district. The subject site is a 5.6-acre tract within the Waterford View Estates subdivision on the east side of Milltown Road (Route 673). The site is accessed via a private shared driveway from April Circle. A vicinity map is provided as *Attachment 1*.

In its consideration of this application, the Office of Transportation Services (OTS) reviewed materials received from the Department of Planning on November 18, 2009, including (1) a statement of justification prepared by the Applicant (dated August 20, 2009), and (2) a traffic statement (via email) by the Applicant (dated July 20 and 21, 2009).

Existing, Planned and Programmed Transportation Facilities

The site is located within the Rural Policy Area. Major roadways serving the site are described below. OTS' review of existing and planned transportation facilities is based on the 2001 Revised Countywide Transportation Plan (2001 Revised CTP) and the 2003 Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan).

Milltown Road (Route 673) (segment from Lovettsville to Orrison Road (Route 681)), is not part of the CTP network and is a designated Virginia Scenic Byway. Milltown Road is a two-lane (R2) paved local secondary road that is approximately 22 feet wide. Right turn lanes are in place at both intersections with April Circle. According to the most recent data provided by VDOT, Milltown Road carried 320 vehicles per day; please note however, that this data was collected in 2005.

The 2003 Bike & Ped Plan categorizes this segment of Milltown Road as a "baseline connecting roadway" along which bicycle and pedestrian facilities are envisioned. There are currently no bicycle or pedestrian facilities along this section of Milltown Road.

April Circle is not part of the CTP network. April Circle is a two-lane local (R2) secondary road that has not yet been accepted by the Virginia Department of Transportation (VDOT). April Circle connects to Milltown Road, forming a loop through Waterford View Estates. The road is approximately 20 feet wide. There are no bicycle or pedestrian facilities along April Circle.

Trip Generation

Additional vehicle trips will be generated by the proposed small business use. The number of vehicle trips is dependent on the number of employees who will work at the residence. While the Institute of Transportation Engineers (ITE) does not have a specific trip generation rate for uses this small, below is a chart that illustrates trip generation figures for a typical single family detached residence, the existing home occupation use, and the proposed small business:

	Persons	Total Daily Trips*
Single Family Detached Residence	2 owners **	10
Existing Home Occupation Use	2 owners + 1 employee	14
Proposed Small Business Use (SPMI)	2 owners + 6 employees	34

* Assumes 10 trips per day generated by the household (VDOT rate), and four (4) trips generated for each non-resident employee. Figures do not include any trips from delivery vehicles.

** Two (2) owners listed based on the Applicant's submitted materials.

Transportation Comments

1. The Applicant should confirm the maximum number of employees (other than individuals who reside at the residence) that are proposed to work on-site.
2. The Applicant should confirm whether either of the two (2) part-time off-site employees referenced in the Statement of Justification will travel to the residence at anytime for employment purposes.

Conclusion

OTS will offer a recommendation once it has reviewed the Applicant's responses to the comments identified in this referral. OTS may have additional comments after first submission responses are provided.

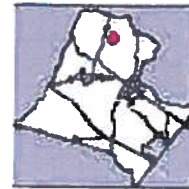
ATTACHMENTS

1. Site Vicinity Map
2. Traffic Statement

cc: Andrew Beacher, Assistant Director, OTS
Lou Mosurak, Senior Coordinator, OTS

A-14

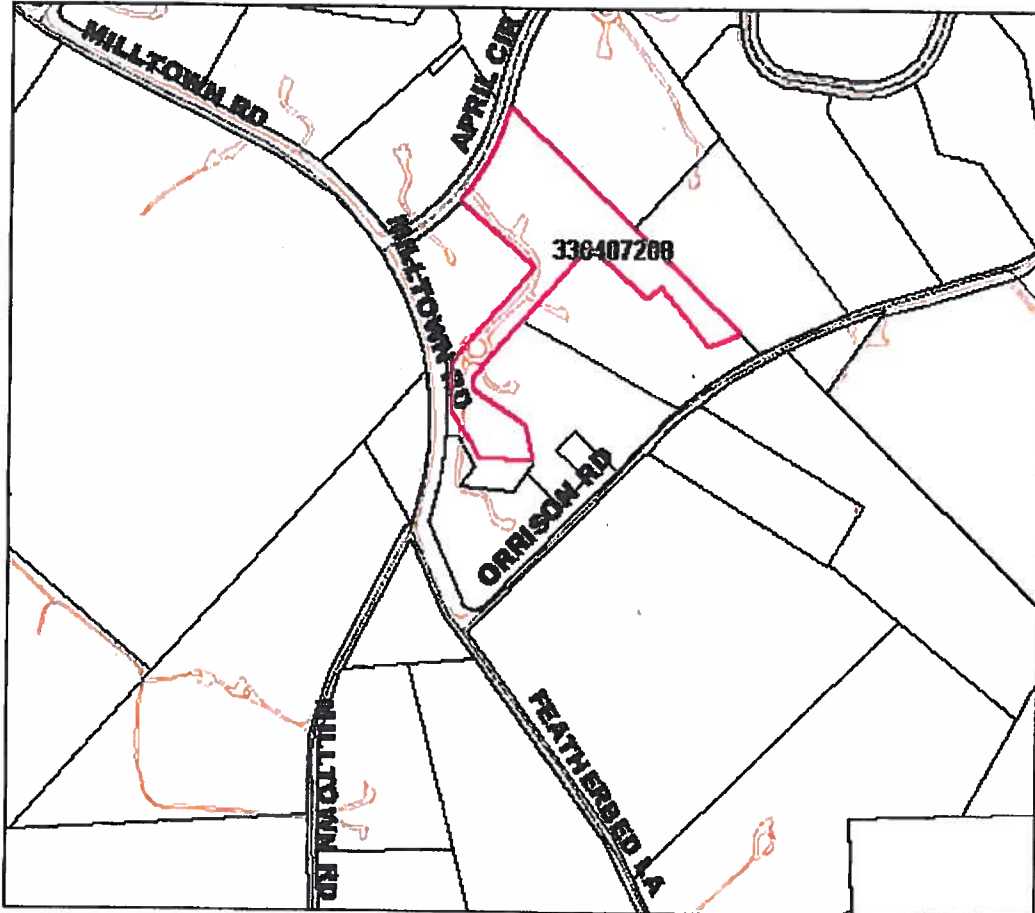
Loudoun County Mapping System



7,139,487



7,136,737



11,731,062

Map Width=3,144 feet

11,734,205

Created on 12/1/2009 2:49:01 PM

PIN	Address
336407208	13276 April Cir Lovettsville 20180

* General Parcel Information *

PIN: 336407208

Tax Map #: /18//17/////6/

Parcel Address: 13276 APRIL CIR LOVETTSVILLE 20180

Owner Name: ARCHER, MATTHEW D & JENNIFER K R/S

Primary Zoning: AR1

GIS Parcel Type: P

ATTACHMENT 1

A-15

George Phillips - RE: FW: SPEX Traffic Letter

From: George Phillips
To: Archer, Matt
Date: 7/21/2009 10:54 AM
Subject: RE: FW: SPEX Traffic Letter
CC: VanHorn, Ginni

Thanks Matt- 7/21/09

Go ahead and include this with your application. You are good to go.

Thanks, George

>>> "Matt Archer" <matt@agsisystems.com> 7/21/2009 10:24 AM >>>
George,

I went out and measured. Milltown Rd. is a standard two lane road and measures approximately 21 feet wide. April Circle is 20 feet wide. I've attached the Map. Let me know so I can continue with the rest of the minor SPEX application process.

Matt Archer
office 540-882-3535
cell 703-863-9366
efax 410-630-5003

From: George Phillips [mailto:George.Phillips@loudoun.gov]
Sent: Monday, July 20, 2009 3:57 PM
To: Matt Archer
Subject: RE: FW: SPEX Traffic Letter

Matt- 7/20/09

I think it would be more accurate to just measure them. You could also try Live Search Maps (Bing) in the Internet but even at the bird's eye view it may be hard to get an exact measurement. Check it out and see.

George

>>> "Matt Archer" <matt@agsisystems.com> 7/20/2009 1:15 PM >>>
George,

Do you know where I would find the width of the streets online or should I just go measure them?

Matt Archer
office 540-882-3535
cell 703-863-9366
efax 410-630-5003

ATTACHMENT 2

A-16

From: George Phillips [mailto:George.Phillips@loudoun.gov]
Sent: Monday, July 20, 2009 10:32 AM
To: Matt Archer
Subject: Re: FW: SPEX Traffic Letter

Matt- 7/20/09

Thanks for sending this. The only other thing you need to attach is a map of the neighborhood which includes the location of the property.

Also, you need to mention how wide the roads are. For example, is Milltown Road 18 feet wide? 24 feet wide? etc. How about April Circle?

That's it. Once I get this information back from you, I can then recommend that this traffic information be accepted with your over all application.

Thanks, George Phillips

>>> "Matt Archer" <matt@agsisystems.com> 7/14/2009 6:56 PM >>>
George,

See the information you requested below in red. Let me know so I can proceed with my minor SPEX application.

What business does - We are an IT solutions provider for the Federal Government
hours of operations - 8:30-6

how many employees (including people at house) my wife and I live at the house + 4 employees

how many trips, lunches, deliveries, coming and going from work, 3 cars come at 8:30 and leave around 6pm.

Employees usually eat lunch on site. They may go out on special occasions in one car. We usually have 1 UPS or FedEx delivery a day.

parking - at present there are three cars that park in my 4 car garage

describe roads and directions to get there - 13276 April Circle, turn on Milltown road, turn on to April Circle

how wide roads are standard 2 lane highway roads

entrance turn lanes yes right hand turn entrance lane into neighborhood

no site distance problems, appears adequate

Matt Archer

AGSI Systems

office 540-882-3535

cell 703-863-9366

efax 410-630-5003

A-17

Virginia Department of Transportation
Traffic Engineering Division
2008
Annual Average Daily Traffic Volume Estimates By Section of Route
Loudoun Maintenance Area

Route	Length	AADT	QA	4Tire	Bus	Truck				QC	K Factor	QK	Dir Factor	AAWDT	QW	Year
						2Axle	3+Axle	1Trail	2Trail							
Loudoun County																
(670) Folly Lane	1.20	300	R			53-672 Lovettsville Rd					NA			NA		03/02/2002
						Dead End										
(671) Harpers Ferry Rd	1.44	3300	F	98%	0%	SR 9 Charles Town Pike				C	0.095	F	0.760	3500	F	2008
						53-787 Kidwell Rd										
(671) Harpers Ferry Rd	1.84	3100	F	97%	1%	53-687 Sagle Rd				C	0.097	F	0.776	3300	F	2008
						53-683 Branchriver Rd										
(671) Harpers Ferry Rd	3.48	3200	F	97%	1%	53-683 Branchriver Rd				F	0.098	F	0.837	3400	F	2008
						US 340 Jefferson Pike										
Town of Lovettsville																
(672) Lovettsville Rd	0.08	1900	F	95%	2%	53-673 Broad Way East				C	0.103	F	0.516	2000	F	2008
						ECL Lovettsville										
Loudoun County																
(672) Lovettsville Rd	3.03	1900	N	95%	2%	ECL Lovettsville				N	0.103	N	0.516	2000	N	2008
						53-667 Yakey, 53-668 E. Ropp Lane										
(672) Lovettsville Rd	2.64	1400	F	95%	2%	US 15 James Monroe Hwy				F	0.106	F	0.779	1500	F	2008
						53-680 Axline Rd										
(673) Evan Rd	0.50	120	R			53-675 Fry Farm Rd					NA			NA		05/02/2005
						53-690 Mountain Rd										
(673) Evan Rd	0.70	180	R			53-853 Long Lane					NA			NA		05/02/2005
						53-852 Georges Mill Rd										
(673) Irish Corner Rd	0.30	480	F	94%	3%	WCL Lovettsville				F	0.105	F	0.673	510	F	2008
						53-853 Long Lane										
(673) Irish Corner Rd	0.32	640	F	94%	3%	53-852 Georges Mill Rd				C	0.097	F	0.627	690	F	2008
						WCL Lovettsville										
(673) Irish Corner Rd/Broad	1.53	1200	F	94%	3%	WCL Lovettsville				F	0.100	F	0.699	1300	F	2008
						WCL Lovettsville										
Town of Lovettsville																
(673) Irish Corner Rd/Broad	0.30	1200	N	94%	3%	SR 287 Berlin Pike				N	0.100	N	0.699	1300	N	2008
						53-796 Loudoun St										
(673) Broad Way East	0.22	2900	F	96%	2%	53-1503 Locust St				C	0.111	F	0.685	3100	F	2008
						53-672 SCL Lovettsville										
(673) Broad Way East	0.07	2800	F	96%	2%	53-672 SCL Lovettsville				F	0.112	F	0.77	2900	F	2008
						53-681 S. Orrison Rd										
(673) Broad Way East	0.25	3300	F	96%	2%	53-665 N. Loyalty Rd				F	0.109	F	0.709	3500	F	2008
						53-665 S. Loyalty Rd										
Loudoun County																
(673) Milltown Rd	2.05	320	R			53-672 SCL Lovettsville					NA			NA		05/02/2005
						53-663 Taylorville Rd										
(673) Featherbed Lane	2.70	110	R			53-681 S. Orrison Rd					NA			NA		05/02/2005
						53-663 Taylorville Rd										
(673) Bald Hill Rd	2.00	220	R			53-663 Taylorville Rd					NA			NA		05/02/2005
						Dead End										
(674) Dutchmans Creek Rd	1.40	90	R			53-663 Tollhouse Rd					NA			NA		03/02/2002
						53-663 Tollhouse Rd										



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

November 30, 2009

Mr. Mike Elabarger
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: AGSI Archer (Waterford View Estates Section 3 Lot 6A)
Loudoun County Application Number SPMI 2009-0007

Dear Mr. Elabarger:

We have reviewed the above application as requested in your November 18, 2009 transmittal. We offer the following comments:

1. The driveway entrance shall comply with VDOT commercial entrance standards. See Figures 4-11 and 4-15 on pages G-89 and G-93 of the VDOT *Road Design Manual*. Since the driveway already serves four houses, it may already meet or exceed those standards.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. VanPoole, P.E.
Senior Transportation Engineer



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000




Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

12 April 2010

MEMORANDUM TO: Mike Elabarger, Project Manager
Department of Planning, **MSC 62**



FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**

SUBJECT: **SPMI 2009-0007; Archer property**
LCTM: 18((17)) 6 (PIN 336-40-7208)

The Health Department recommends conditional approval of this application. The proposed use will utilize an on-site sewage disposal system sized for five (5) bedrooms. That translates to a daily use of 750 gallons per day. Currently the applicant and his wife and child reside at the house. The flow from that use is 225 gallons per day, leaving 525 gallons available for use currently. The five (5) fulltime employees would account for 165 gallons per day. Therefore, with *no other occupants of the house*, the proposed use is within acceptable limits for the existing drainfield and well. The plat reviewed was prepared by the applicant and was dated 16 March 2010.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Loudoun County Health Department


P.O. Box 7000
Leesburg VA 20177-7000



Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

20 November 2009

MEMORANDUM TO: Mike Elabarger, Project Manager
Department of Planning, **MSC 62**

FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**

SUBJECT: **SPMI 2009- 0007; AGSI- Archer Property**
LCTM: 18((17)) 6 (PIN 336-40-7208)



The Health Department withholds any opinion on this application at this time. The applicant has not provided enough information as to the number of persons in the household.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref

AGSI-Archer Property

Minor Special Exception – SPMI 2009-0007

STATEMENT OF JUSTIFICATION

August 20, 2009

REVISION - MARCH 16, 2010

PROPERTY OVERVIEW AND LOCATION

Matthew D. and Jennifer K. Archer (Owners) are the current owners of the property located at 13276 April Circle, Lovettsville, VA 20180 (the Property) having acquired the Property in November 2008. The Property is approximately 5.6 acres and is zoned AR-1, governed under the Revised 1993 Zoning Ordinance. The Property is identified as MCPI number 336-40-7208, has frontage on April Circle, and is located in the Catoctin Election District. Land uses surrounding the Property are current and planned residential uses consistent with the AR-1 zoning district regulations.

The Property does not fall within an Airport Impact Overlay (AI), Village Conservation District, Mountainside Development Overlay District (MDOD), the Quarry Notification District (QN), Historic District, Floodplain Overlay District (FOD) or Predictive Wetlands Model per the Loudoun County Mapping and GIS data. The Property has some steep slopes however they are on fringe areas of the Property and not near where the proposed use would occur. There are no Federal or States permits or conditions that directly limit development on the Property. There are no hazardous materials on the Property.

The Property is currently developed with a 3-story, 6,178 square foot, single-family house being used as a residence. The Property owner and Applicant was issued a Home Occupation permit per Section 5-400 (Loudoun County Permit Number Z90097530001) on March 25, 2009, which allowed a 'home office for government contractor, employing 1 non-resident person'. The Applicant was found to be in violation of the above permit due to exceeding the number of allowed non-resident employees and of comprising a small business use, and was instructed by County staff to seek a Special Exception for a small business use with the proposed number of employees. A pre-application meeting was held on May 26, 2009, and this application was accepted by the County for processing on November 18, 2009.

PROPOSED SPECIAL EXCEPTION USE

The Applicant, AGSI, LLC is an IT re-seller business to the Federal government. The Applicant is requesting a special exception - pursuant to Section 2-102 and subject to Sections 5-614(D) and 5-614(E)(2) of the Revised 1993 Loudoun County Zoning Ordinance - to allow a small business use with up to (6) six employees on a 5.6 acre parcel. The entire property would be subject to this special exception. Section 2-102 dictates that the proposed use be processed by the County as a minor Special Exception in this (AR-1) zoning district; in the AR-1 district, a permitted small business use must be located on more than ten (10) acres per Section 5-614(C).

The Applicant proposes to use up to 1,000 square feet in the basement of the residence for the small business use, with up to five (5) non-resident employees commuting to the property and one (1) employee (the Property and business owner) residing on the property.

HOURS OF OPERATION

Proposed hours of operation are between 8:30 a.m. and 7:00 p.m., Monday through Friday. Typically, employees work 8.0 hours per day. The wider range of hours would provide employees a flexibility in their shifts to accommodate their personal schedules (ie, doctors appointments, children's activities, etc.), plus the occasional need for working overtime due to work volume, contract deadlines, etc. The end of the government's fiscal year, during August and September, is the busiest time of the year for AGSI, and hours might extend as late as 9:00 pm during this season. The Applicant is amenable to a condition of approval committing them to these proposed hours of operation.

VEHICLES/PARKING

The non-resident employees (up to five (5)) will commute to and from the Property using their personal vehicles; two of the current five (5) non-resident employees currently carpool, resulting in four (4) total cars coming to the Property each business day. During the above noted business hours, the Applicant proposes that at least three (3) of these four (4) vehicles will park in the four (4) garage bays on the Property, with the fourth vehicle parked adjacent either of the garages. See attached Special Exception plat (Sheet 6), which identifies the garage spaces and driveway. No non-resident employee cars will be parked in the shared access drive from April Circle that provides access to the other three (3) residences served by this access drive.

Should the above scenario not be amenable to the Planning Commission or Board of Supervisors, the Applicant (and their non-resident employees) are willing to create an off-site carpool scenario which would reduce (from four (4)) the number of employee vehicles traveling to and from the Property daily.

DELIVERIES

The proposed small business use is expected to receive one (1) delivery daily from shippers such as FedEx and UPS, or other businesses with their own delivery vehicles (i.e. office supply stores). Most deliveries will arrive in standard-sized FedEx or UPS trucks typically seen delivering in residential neighborhoods; occasionally, deliveries will require a larger freight vehicle. Deliveries to the Property represent a very small portion of the overall small business use, and consist primarily of computer/information technology materials that are for the U.S. military serving in Afghanistan. Most other contracts that AGSI completes are shipped directly from a distributor to the customer, but many companies are not able to ship to Afghanistan, and thus AGSI must have the items shipped to the Property, and then shipped overseas from there.

Delivery vehicles, if they cannot pull into the Property's driveway and park, will likely park in the shared access drive in front of the Property to load/unload, and at times could temporarily result in a narrowing of this residential access way. Such occurrence is no different than if personal/non-business related deliveries were being made to any residence. Should there ever be an instance where a delivery vehicle (be it personal or business-related) is blocking the shared access drive to the point that vehicles cannot maneuver around them, the Applicant should be made immediately aware of such situation, and will interrupt the loading/unloading of products and have the delivery vehicle move so as to provide clear access to the other properties accessed from this shared access drive.

No delivery vehicle would ever be un-manned, and could be moved in a moment's notice for any means of access (neighbor, emergency vehicles, etc.) past the subject Property and further down the shared access drive.

COMPREHENSIVE PLAN COMPLIANCE

The Property is located within the Rural Policy Area of western Loudoun County. The policies of the Revised General Plan support the establishment of small businesses within the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. The intensity of the proposed use, with five non-resident employees, can be accommodated on the property as described herein.

SUMMARY

The proposed IT Government Reseller small business use will meet the high demand for such services in the Federal sector in the County and region. The Applicant respectfully requests favorable consideration of the Application by the staff and the Board of Supervisors.

AGSI was originally a family business with only two relatives working for the company when it was located in West Virginia. When AGSI moved to Loudoun County, Virginia at the end of 2008, those family members stayed with the company and are currently commuting together from West Virginia. The other three employees are all long-time residents of Western Loudoun: a 10-year resident of Lovettsville, a 22-year resident of Hillsboro, and a 22-year resident of Hamilton.

SPECIAL EXCEPTION ISSUES FOR CONSIDERATION **Section 6-1310, Revised 1993 Zoning Ordinance**

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The proposed minor special exception is consistent with the Comprehensive Plan. AGSI, LLC is permitted by minor special exception under Section 2-102 of the Revised 1993 Zoning Ordinance.

(B) Whether the proposed special exception will adequately provide for the safety from fire hazards and have effective measure of fire control.

The proposed minor special exception will provide emergency vehicles access to all parts of the Property, and other properties accessed by the shared drive, in the event of a fire.

(C) Whether the level and impact of any noise emanating from the site, including the generated by the proposed use, negatively impacts the uses in the immediate area.

There will be minimal, if any, increase in noise from the site that will impact the immediate area as a result of the proposed use.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

No additional glare of light will be generated from the Property as a result of the proposed use.

(E) Whether the proposed use is compatible with the existing or proposed used in the neighborhood and adjacent parcels.

The proposed small business use is compatible with the existing uses in the neighborhood.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

There will be no proposed landscaping, screening and buffering on this site. The proposed use will be inside the existing residence.

(G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archeological or historic feature of significant importance.

The Property contains no known archeological, scenic, or historic landmarks that must be preserved.

(H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including ground water) or air quality.

The proposed use will not impact the existing groundwater quality and environmental habitat of the Property.

(I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public

The proposed small business use will provide a convenient location for up to five (5) employees who live in western Loudoun County or further west, and alleviate these persons from having to travel further east through the County for employment, thus lessening the impact on the road network that that would entail.

(J) Whether the traffic expected to be generated by the proposed use with be adequately and safely served by roads, pedestrian connections and other transportation services.

Four (4) employee vehicles are expected to arrive in the morning and leave in the evening, Monday through Friday. Surrounding neighbors should not be affected nor inconvenienced by the employees. Employee vehicles will park in the existing garages or on the driveway. Delivery trucks are expected to average one (1) per day, and may park for the duration of loading/unloading in a portion of the shared access drive.

(K) Whether in the case of existing structures proposed to be converted to use requiring a special exception, the structures meet all code requirements of Loudoun County.

The proposed small business use would occupy up to 1,000 square feet in the basement of the existing single-family residence, and would not convert the structure from its' current and intended purpose.

(L) Whether the proposed special exception will be served adequately by essential public facilities and services.

The proposed small business use will not require any capacity of public facilities and services not already provided for a single-family residence.

(M) The effect of the proposed special exception on groundwater supply.

The proposed small business use will not require any land disturbance, and thus no impact on the groundwater supply. The on-site septic system has more than adequate capacity to serve the five (5) non-resident employees proposed with this application.

(N) Whether the proposed use will affect the structural capacity of the soils.

The proposed small business use will not require any land disturbance, and thus no impact on the soils.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

Transportation infrastructure serving the Property is completed, and can accommodate the proposed four (4) non-resident vehicles expected to go to and from the Property each business day.

(P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The proposed small business use will provide six (6) full-time professional office-based service employment positions without occupying any commercial office space, thus allowing more commercial activity to occur in the County, further enlarging the tax base.

(Q) Whether the proposed special exception considers the needs to agriculture, industry, and business in the future growth.

The Property is developed as a single-family residence. Operating a small business use as proposed will only spur future business growth in the County.

(R) Whether adequate on and off-site infrastructure is available.

Adequate parking and access can and will be provided.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

No odors will be generated by the proposed small business use on the site.

(T) Whether the proposed special exception uses sufficient measure to mitigate the Impact of construction traffic on existing neighborhood and school areas.

There will not be any construction related to the proposed small business use.

AGSI – Archer Property
Minor Special Exception - SPMI 2009-0007

MEMORANDUM

DATE: March 16, 2010
TO: Mike Elabarger, Project Manager, Land Use Review
FROM: Matt Archer, Owner
RE: Applicant Response to 1st Referral Comments

The following provides the Applicant's response to 1st referral comments for SPMI 2009-0007. The Staff comment is repeated, and the Applicant's responses are in bold and italics.

Department of Building and Development - Zoning Administration -- December 8, 2009

C. SECTION 6-1310 - ISSUES FOR CONSIDERATION:

See the Applicant's Statement of Justification for responses to this Section.

D. SECTION 5-614 -- ISSUES FOR CONSIDERATION:

8. Section 5-614(F)(1) - requires a sketch plan as part of a zoning permit application for permitted small businesses. However, Section 5-614(F)(2) states that special exceptions may contain a condition for a site plan in lieu of a sketch plan, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.

See the attached maps and property diagrams serving as the Special Exception plat.

E. GENERAL COMMENTS

9. The number of required parking spaces for the small business will be equal to the number of permitted employees not residing on the premises, and should be identified during the Minor Special Exception process.

The Applicant proposes five (5) non-resident employees, two of which carpool together, resulting in four (4) vehicles coming to the Property for employment each day. It is proposed that three (3) vehicles will be housed inside garage bays during business hours, with one (1) employee vehicle parked on the driveway adjacent a garage bay. This is detailed in the Statement of Justification.

Resident vehicles will be parked either in the one (1) remaining garage bay or outside on the driveway. See Special Exception Plat Sheet 6, and Exhibit B.

F. SPECIAL EXCEPTION PLAT COMMENTS

10. *Parking.* Proposed parking areas should be shown and clearly labeled on the special exception plat.

See Special Exception Plat Sheet 6, and Exhibit B.

11. *Small Business Use.* All areas to be used for the Small Business use (offices, storage, etc.) should be clearly labeled on the plat.

The proposed small business use will utilize no more than 1,000 square feet in the basement of the property. A room measuring approximately 600 square feet is currently used at the proposed intensity (i.e., six total employees). See Exhibit C.

12. The special exception plat must have a scale of 1 inch = 200 feet.

See Exhibit A; this map is to the requested scale.

13. The special exception plat must be labeled with the owners' names and zoning of adjacent property.

See Special Exception Plat Sheets 2, 3, and 4; owner's name and zoning district are provided.

14. The special exception plat must show the location and general description of vegetation and existing tree cover.

See Exhibit A; existing vegetation and tree cover are identifiable on this map.

15. The special exception plat must show topography at contours of not more than five (5) feet.

See Exhibit A; 5' topography is provided as requested.

VA Department of Transportation – November 30, 2009

1. The driveway entrance shall comply with VDOT commercial entrance standards. See Figures 4-11 and 4-15 on pages G-89 and G-93 of the VDOT *Road Design Manual*. Since the driveway already serves four houses, it may already meet or exceed those standards.

To the best of the Applicant's knowledge, the driveway entrance (where private access easement drive meets April Circle) is built to the required commercial entrance standards.

Department of Planning – December 7, 2009

Staff finds that the proposed use of the subject property for a “small business” is consistent with the type of land uses anticipated within the Rural Policy Area, however, additional consideration of the scale and intensity of the proposed use is required. Specifically, the number of employees and additional vehicular trip generation associated with the proposed “small business” use may not be compatible with the residential character or primary residential uses of the surrounding properties at the proposed scale and intensity, within the existing subdivision. The Plan recommends that these types of locate within the towns and villages within the Rural Policy Area.

The Applicant concurs with Staff regarding the appropriateness of the proposed use. Regarding the ‘scale and intensity’ of the proposed use, the Applicant believes that five (5) non-resident employees, coming to the Property in a maximum four (4) vehicles per day, can be accommodated on the Property with no negative impacts to the surrounding property owners.

Loudoun County Health Department – November 20, 2009

The Health Department withholds any opinion on this application at this time. The applicant has not provided enough information as to the number of persons in the household.

The Applicant and Property/Business owner resides at the Property with his wife and small child. Proposed are up to five (5) non-resident employees who would come to the Property Monday through Friday for an average of eight (8) hours per day, to work for the Applicant’s information technology company in an office work space in the basement of the residence totaling no more than 1,000 square feet.

Office of Transportation Services – December 18, 2009

1. The Applicant should confirm the maximum number of employees (other than individuals who reside at the residence) that are proposed to work on-site.

The Applicant and Property/Business owner resides at the Property with his wife and small child. Proposed are up to five (5) non-resident employees who would come to the Property Monday through Friday for an average of eight (8) hours per day, to work for the Applicant’s information technology company in an office work space in the basement of the residence totaling no more than 1,000 square feet.

2. The Applicant should confirm whether either of the two (2) part-time off-site employees referenced in the Statement of Justification will travel to the residence at anytime for employment purposes.

There are no longer ‘part-time off-site’ employees being proposed. See answer above for the number of proposed employees.

I, MATT Archer, do hereby state that I am an

☒ Applicant

☐ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPM1-2009-0007

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
336-40-7208	MATTHEW D. & JENNIFER K. Archer	13276 April Circle, Lewettsville, VA 20180	PARCEL OWNERS
	AGSI, INC.	SAME ↑	APPLICANT

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

AGSI, LLC 13276 April Circle Louthville VA 20180

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Matt D Archer	
Teri K Archer	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Matt D Archer	
Teri K Archer	

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

☒ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

_____ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

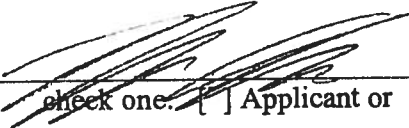
Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one. ☒ Applicant or ☐ Applicant's Authorized Agent
Matt D Archer VP

(Type or print first name, middle initial and last name and title of signee)

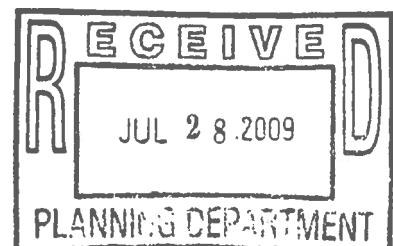
Subscribed and sworn before me this 23 day of July, 2009, in
the State/Commonwealth of Virginia, in the County/City of Loudoun.



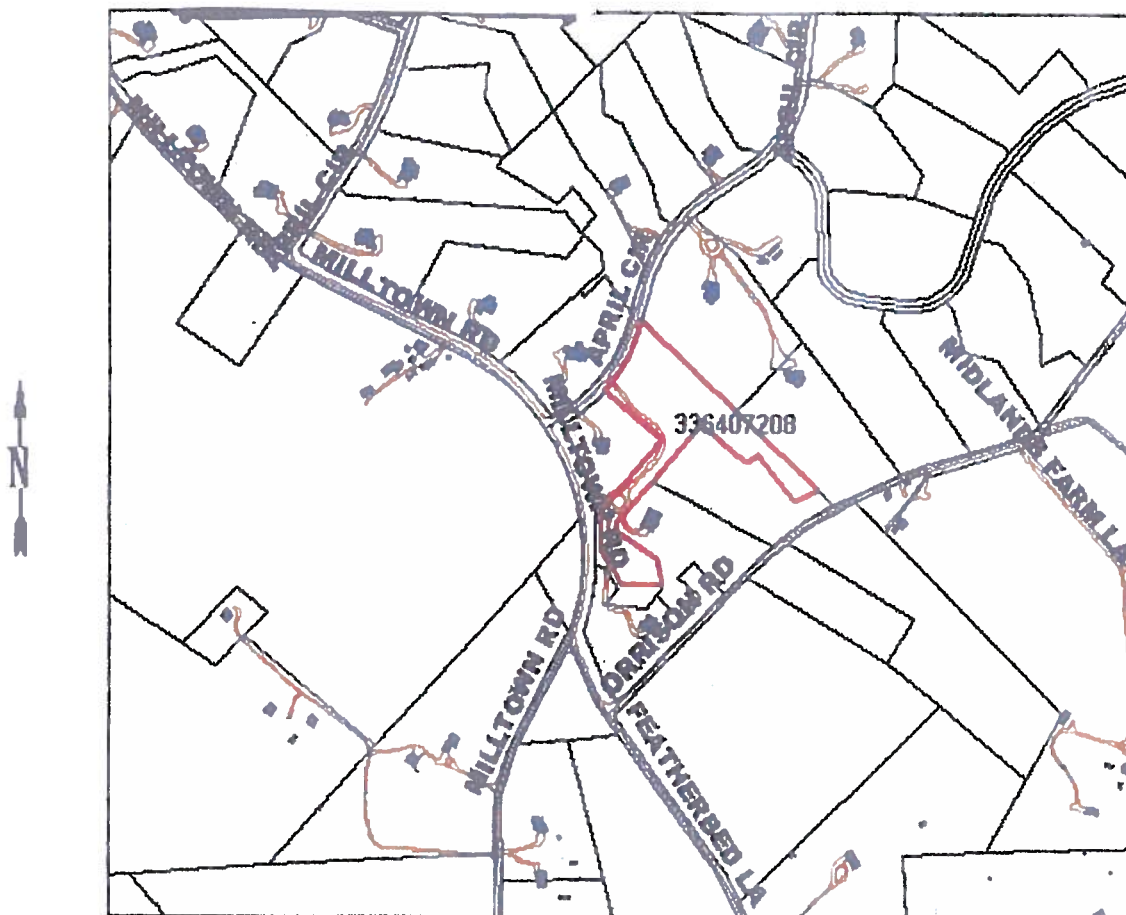
Notary Public

My Commission Expires: November 30, 2012

Notary Registration Number: 230738



VICINITY MAP



PIN	Address
336407208	13276 April Cir Lovettsville 20180

* General Parcel Information *

PIN: 336407208

Tax Map #: /18//17////6/

Parcel Address: 13276 APRIL CIR LOVETTSVILLE 20180

Owner Name: ARCHER, MATTHEW D & JENNIFER K R/S

Primary Zoning: AR1

GIS Parcel Type: P

ADJACENT PROPERTY MAP



PIN	Address
336407208	13276 April Cir Lovettsville 20180

See attached list of Owner, Zoning, and Use information

SPMI-2009-0007 AGSI – Archer Property Adjacent Properties
Owner, Zoning, Use Information (See Adjacent Property Map for property locations)

1. PIN: 336-40-3240-000
 Tax Map Number: /18//17////58/
 Property Address - 13291 APRIL CIR. LOVETTSVILLE VA 20180
 Current Legal Description - WATERFORD VIEW ESTS SEC.3
 Current Owner Name/Address
 MCGAVISK, CHRISTOPHER & LINDA L R/S
 13291 APRIL CIR
 LOVETTSVILLE VA 20180-3542
 Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

2. PIN: 335-10-2211-000
 Tax Map Number: /18//17////57/
 Property Address - 13235 APRIL CIR. LOVETTSVILLE VA 20180
 Current Legal Description
 WATERFORD VIEW ESTS SEC.3
 Current Owner Name/Address
 BUCK MOUNTAIN INVESTMENTS LLC
 24012 FREDERICK RD STE 200
 CLARKSBURG MD 20871-9718
 Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

3. PIN: 336-40-8749-000
 Tax Map Number: /18//17////7/
 Property Address - 13214 APRIL CIR. LOVETTSVILLE VA 20180
 Current Legal Description
 WATERFRD VW ESTS S.3 L.7A
 Current Owner Name/Address
 CAMP, JAMES D & CYNTHIA A R/S
 15411 ROWLAND LN
 SILVER SPRING MD 20905-4351
 Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

4. PIN: 298-45-3001-000
 Tax Map Number: /18//15////5/
 Property Address - 13220 APRIL CIR. LOVETTSVILLE VA 20180
 Current Legal Description
 WATERFRD VW ESTS S.1 L.5A
 Current Owner Name/Address
 BEHR, JEFFREY & NORIKO R/S
 13220 APRIL CIR
 LOVETTSVILLE VA 20180-3543
 Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

5. PIN: 298-35-0681-000
 Tax Map Number: /18//15////4/
 Property Address - 13282 APRIL CIR. LOVETTSVILLE VA 20180
 Current Legal Description
 WATERFRD VW ESTS S.1 L.4A
 Current Owner Name/Address
 BOLTON, ROBERT W & K WUNDERLICH R/S
 13282 APRIL CIR
 LOVETTSVILLE VA 20180-3543
 Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

3/16/10

**SPMI-2009-0007 AGSI – Archer Property Adjacent Properties
Owner, Zoning, Use Information (See Adjacent Property Map for property locations)**

6. PIN: 336-30-8551-000
Tax Map Number: /18//15/////3/
Property Address - 13288 APRIL CIR. LOVETTSVILLE VA 20180
Current Legal Description
WATERFRD VW ESTS S.1 L.3A
Current Owner Name/Address
CARLSON, ROBERT J & PEGGY L R/S
13288 APRIL CIR
LOVETTSVILLE VA 20180-3543
Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM
7. PIN: 336-30-5418-000
Tax Map Number: /18//15/////2/
Property Address - 13294 APRIL CIR. LOVETTSVILLE VA 20180
Current Legal Description
WATERFRD VW ESTS S.1 L.2A
Current Owner Name/Address
SICILIANO, JAMES A & MICHELE A R/S
13294 APRIL CIR
LOVETTSVILLE VA 20180-3543
Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM
8. PIN: 336-30-4693-000
Tax Map Number: /18//15/////1/
Property Address - 13300 APRIL CIR. LOVETTSVILLE VA 20180
Current Legal Description
WATERFRD VW ESTS S.1 L.1A
Current Owner Name/Address
OHARE, THOMAS J & MARY A R/S
PSC47 BOX 65
APO AE 09470-0065
Zoning – AR1 & State Use Classification: SUBURBAN SINGLE FAM

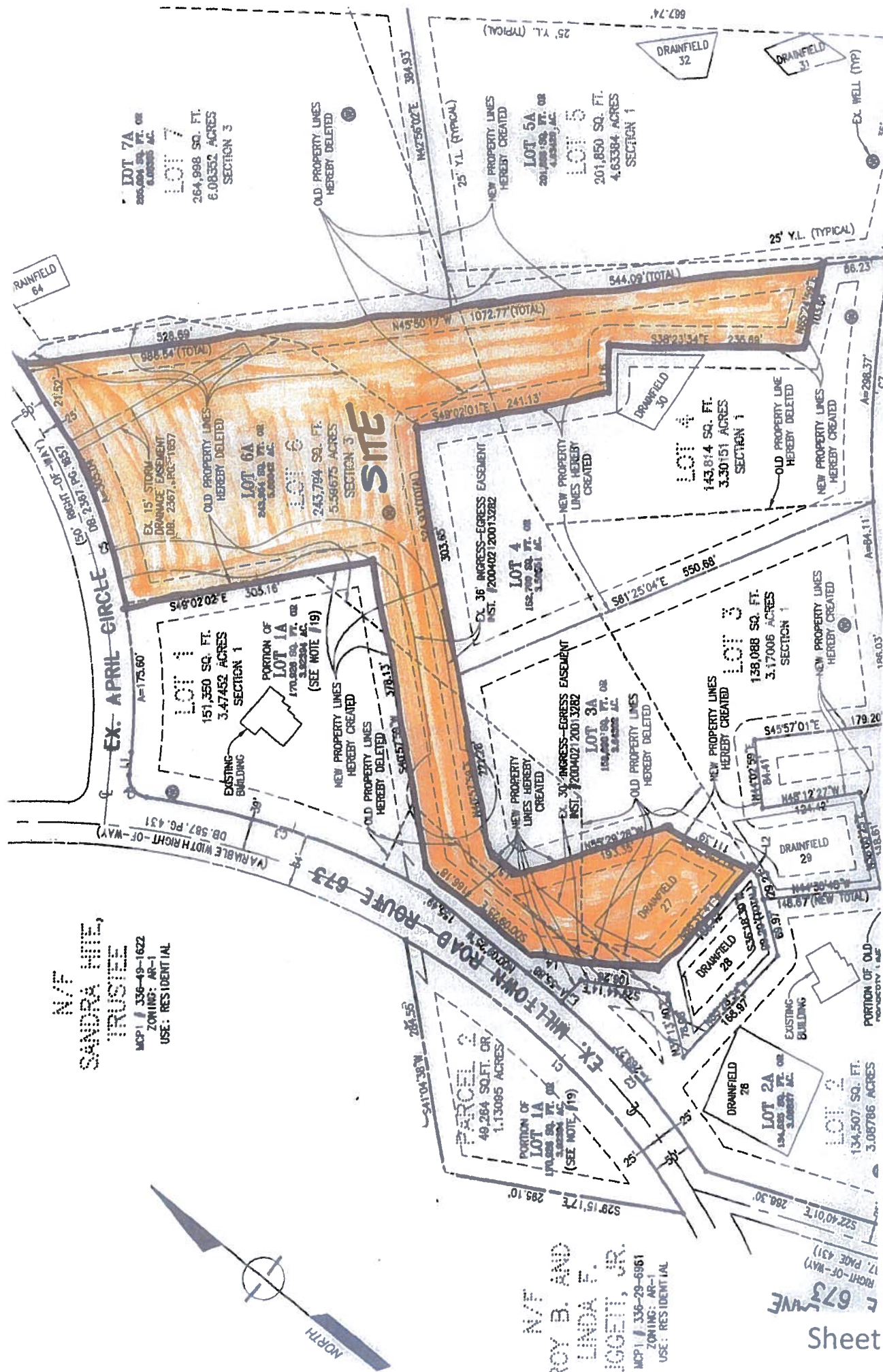
A 38

W/F
SANDRA HITE,
TRUSTEE
MCP1 / 336-49-1622
ZONING: AR-1
USE: RESIDENTIAL

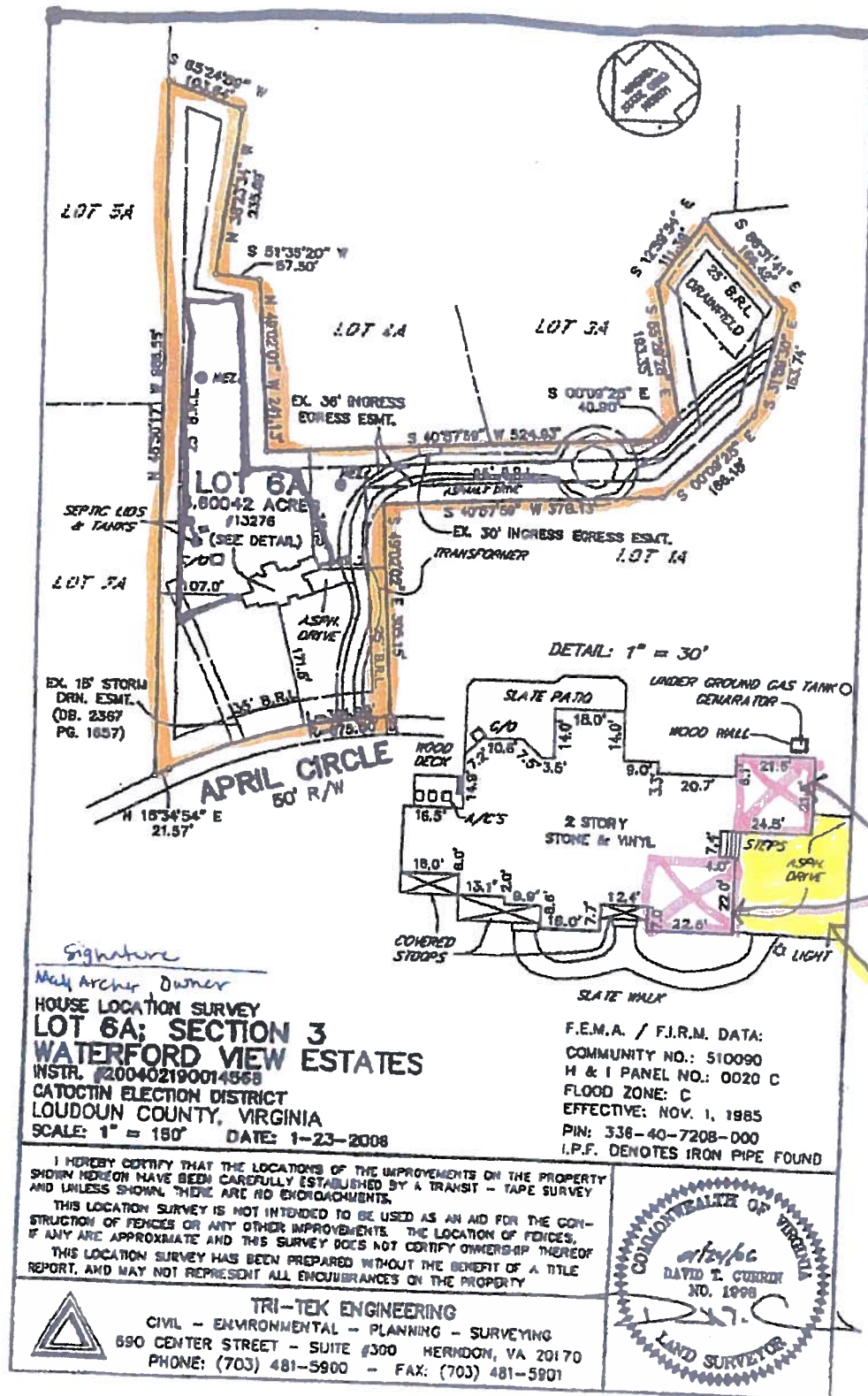
W/F
ROY B. AND
LINDA E.
LUGET, JR.
MCPL / 336-29-6961
ZONING: AR-1
USE: RESIDENTIAL

Sheet 5

Entire Property is subject to Minor Special Exception



3/16/10



A40

SPEX 2009-0007 – AGIS, Archer Property

Two 2-car Garages attached to residence.



EXHIBIT B

A41

SPEX 2009-0007 – AGIS, Archer Property

Office space in basement used for business.

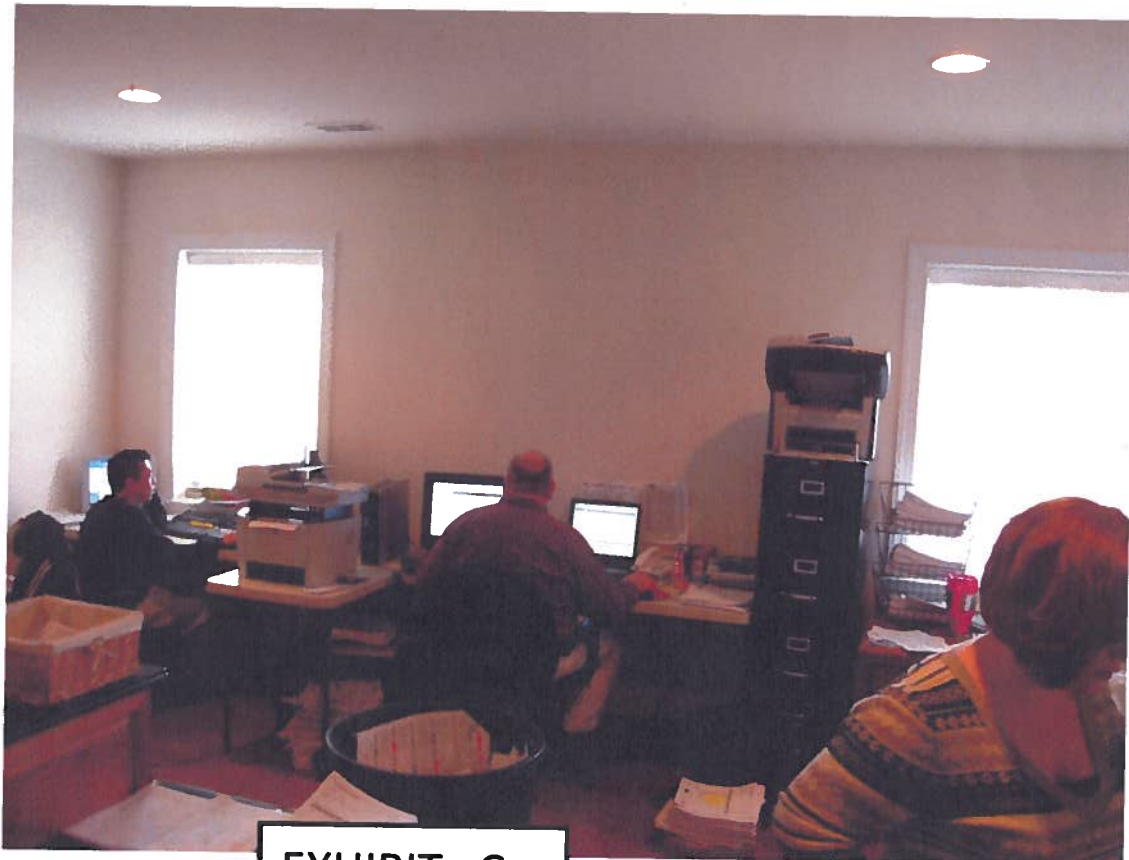


EXHIBIT C

A42